

### REMARKS

In the Office Action dated January 25, 2007, claims 1-25 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 7,068,683 (Lundby) in view of U.S. Patent No. 7,155,236 (Chen).

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1 over Lundby and Chen for at least the following reasons: (1) no motivation or suggestion existed to combine the teachings of Lundby and Chen to achieve the claimed invention; and (2) the hypothetical combination of Lundby and Chen does not teach or suggest all elements of claim 1. *See* M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 5), at 2100-126.

Claim 1 recites a method for use in a wireless communications network that includes communicating data with plural mobile stations over a wireless link, and sending a broadcast message to the plural mobile stations, where the broadcast message contains an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link.

The Office Action cited column 8 of Lundby as disclosing the use of a broadcast message. Also, the Office Action referred to Fig. 11 in Lundby, and specifically steps 122-134 of Fig. 11, which describes a procedure in which a mobile station and base station negotiate for determining a data rate for traffic over the forward wireless link. As conceded by the Office Action, Lundby does not disclose the sending of a broadcast message to plural mobile stations, where the broadcast message contains an indication for indicating to the plural mobile stations that the mobile stations *are to change data rates for transmissions over a reverse wireless link*. 1/25/2007 Office Action at 3. However, the Office Action cited Chen as disclosing the claimed subject matter missing from Lundby. *Id.*

There are several points of errors made in the obviousness rejection. The first point of error is that although column 8 of Lundby does refer to using a broadcast message, it is noted that the broadcast message does *not* contain an indication for indicating that mobile stations are to change data rates. It appears that the Office Action is asserting that the broadcast message sent in Lundby contains an indication that mobile stations are to change data rates on the forward link. That is clearly not the case, and is established by the Fig. 11 process flow of Lundby. In the Fig. 11 process flow, it is noted that the base station and each mobile station have to individually negotiate the data rates to be used for the forward link. Note that in column 10 of

Lundby, reference is made to the base station transmitting a data rate indicator to each mobile station in step 134 of Fig. 11. This data rate indicator comes right after the sentence that states that the base station “determines corresponding *data rates* for each mobile user.” Lundby, 10:9-11 (emphasis added). Since there are plural data rates for the plural mobile stations, it is clear that the data rate indicator transmitted at step 134 of Fig. 11 cannot be transmitted in a broadcast message. Therefore, the assertion in the Office Action that the base station sends a broadcast message to indicate to multiple mobile stations that data rates of the mobile stations are to be changed is incorrect.

The second point of error made by the Office Action is that Chen does not disclose the claimed subject matter that is missing from Lundby. The Office Action asserted that Chen “discloses mobile station transmission on the reverse link,” citing specifically to column 2, lines 25-37, and column 2, line 67-column 3, line 6, of Chen. 1/25/2007 Office Action at 3. The cited passages refer to the mobile station needing varying amounts of transmission power for transmitting data on the reverse link, and providing efficient utilization of the reverse link capacity. However, nowhere in the cited passages of Chen, or anywhere else in Chen, is there any suggestion of sending a broadcast message to plural mobile stations, where the broadcast message contains an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmission over a reverse wireless link. As conceded by the Office Action, this claimed subject matter is also not in Lundby. Therefore, it is clear that the hypothetical combination of Lundby and Chen does not teach or suggest all elements of claim 1, contrary to the assertion made by the Office Action.

A third point of error made by the Office Action is the assertion by the Office Action that motivation or suggestion existed to combine the teachings of Lundby and Chen to achieve the claimed subject matter. Lundby describes negotiation between a base station and each mobile station in which the base station is able to determine data rates for respective mobile stations, and to transmit a data rate indicator to each of the mobile stations (individually) so that the mobile stations know what data rate traffic is to be received on the forward wireless link. There is no suggestion anywhere within Lundby, nor in Chen, of modifying this procedure to provide for a broadcast message that is sent to plural mobile stations to indicate to the plural mobile stations

that they are to change data rates for transmission over a reverse wireless link. Therefore, it is clear that no motivation or suggestion existed to combine Lundby and Chen.

In view of the foregoing, a *prima facie* case of obviousness has not been established with respect to claim 1.

Independent claim 20 is allowable over Lundby and Chen for similar reasons as claim 1.

Amended independent claim 13 is also allowable over the asserted combination of Lundby and Chen. Claim 13 now recites communicating data with plural mobile stations over a wireless link, and sending a broadcast message to the plural mobile stations, where the broadcast message contains an identifier, and where the identifier is set to a first value to uniquely identify one of the plural mobile stations, and the identifier is set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over the reverse wireless link. The subject matter of amended claim 13 is similar to the subject matter of former dependent claim 16, except that "grant message" is replaced with "broadcast message." The subject matter of claim 16 was identified by the Office Action as being taught by Chen in the following passages: column 10, lines 62-67; column 12, lines 3-6; column 20, lines 22-28; and column 27, lines 38-52. However, none of the cited passages refer to an identifier that is set to one value to uniquely identify one of the plural mobile stations, and set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over the reverse wireless link.

Therefore, it is respectfully submitted that the hypothetical combination of Lundby and Chen clearly does not teach or suggest all elements of claim 13. Moreover, no motivation or suggestion existed to combine the references to achieve the subject matter of claim 13.

A *prima facie* case of obviousness has thus also not been established with respect to claim 13.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

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Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0121US).

Respectfully submitted,

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